

DOCKET FILE COPY ORIGINAL

RECEIVED

APR 19 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Tariff Filing Requirements for) CC Docket No. 93-36
Nondominant Common Carriers)

REPLY COMMENTS OF
AMERICAN TELEPHONE AND TELEGRAPH COMPANY

Francine J. Berry
R. Steven Davis
Roy E. Hoffinger

Its Attorneys

295 North Maple Avenue
Room 3244J1
Basking Ridge, New Jersey
(908) 221-3327

April 19, 1993

No. of Copies rec'd
List A B C D E

244

TABLE OF CONTENTS

	Page
Summary	i
I. THE COMMISSION'S PROPOSAL TO PERMIT CARRIERS TO FILE ONLY RANGES OF RATES OR MAXIMUM RATES EFFECTIVELY DISPENSES WITH THE FILED RATE REQUIREMENTS OF THE COMMUNICATIONS ACT, AND, ACCORDINGLY EXCEEDS THE COMMISSIONS AUTHORITY	3
II. THERE IS NO BASIS TO LIMIT TO AT&T'S COMPETITORS THE COMMISSION'S PROPOSALS REGARDING THE FORM OF TARIFFS AND NOTICE PERIODS.	11
Conclusion	13

SUMMARY

The comments of those who support the Commission's proposal to permit the filing of only "ranges" of rates or "maximum" rates do not refute AT&T's showing that this proposal is the practical equivalent of forbearance, and would effectively nullify the mandatory requirements of Section 203 of the Communications Act. Indeed, Sprint (p.8) admits that the proposal would "continue the Commission's existing practice" of allowing nondominant carriers to provide service at unified rates pursuant to secret agreements. Contrary to the arguments of these commenters, however, neither the Commission's "discretion" under Section 4(i) nor its "limited" modification authority under Section 203(b) permit such conduct. Indeed, this conclusion is not merely required by the unequivocal language of the statute, it is precisely the holding of controlling Supreme Court and appellate decisions.

There is likewise no basis for the claims of some commenters that provisions of the Act other than Section 203 authorize the filing of maximum rates or ranges of rates with no other information, and that the courts have approved such filings. That is incorrect. What courts have held is that ranges of rates are permissible only if the method of calculating actual rates within the range is disclosed in the carrier's filing. The commenters cite no court or agency decision that departs from this standard, which

ensures the availability of carriers' offerings to similarly situated customers on nondiscriminatory terms.

Finally, no commenter refutes AT&T's showing that

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

APR 19 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Tariff Filing Requirements for)
Nondominant Common Carriers)

CC Docket No. 93-36

REPLY COMMENTS OF
AMERICAN TELEPHONE AND TELEGRAPH COMPANY

American Telephone and Telegraph Company ("AT&T")
hereby submits its reply comments on the Notice of Proposed
Rulemaking in CC Docket No. 93-36 ("Notice"), released
February 19, 1993.¹

AT&T certainly shares concerns about the
interference of unnecessary regulatory requirements with the
operation of competitive market forces, and fully supports
the Commission's efforts to eliminate or reduce regulatory
requirements when consistent with the terms of the
Communications Act. The principal point of contention in
this proceeding, however, is the lawfulness of the
Commission's proposal to permit "nondominant" carriers to
file tariffs containing only "ranges" of rates or "maximum"

¹ Tariff Filing Requirements for Nondominant Common Carriers, CC Docket No. 93-36, FCC 93-103, released February 19, 1993. A list of other parties submitting comments in this proceeding, and the abbreviated designations used herein, is attached as Appendix A.

rates, but that do not specify the actual charges to customers or the formula for determining those charges.

Section 203 of the Communications Act explicitly and unequivocally requires common carriers to file with the Commission and publish schedules showing "all" of their charges, and "all classifications, regulations and practices affecting" their charges (47 U.S.C. § 203(a)), and prohibits carriers from charging and collecting rates different than those "specified" in their schedules (47 U.S.C. § 203(c)).² Far from being "unnecessary," as the Notice suggests (para. 12), these filed rate requirements are "utterly central to the administration" of the Act, and are essential to implementation of the requirement of Section 202(a) that a carrier's offerings be made available to similarly situated customers.³ The Commission's proposal would effectively nullify the Act's filing requirements, "sanction adherence to unfiled rates, [and] undermin[e] the basic structure of the Act."⁴ It is, therefore, unlawful. Any

² See AT&T v. FCC, 978 F.2d 727 (D.C. Cir. 1992) ("AT&T v. FCC"); MCI v. FCC, 765 F.2d 1186 (1985).

³ Maislin Industries, U.S. Inc. v. Primary Steel, Inc., 497 U.S. 116, 132 (1990) ("Maislin") (citation omitted); see also AT&T v. FCC, 978 F.2d at 736 n.12; ; Regular Common Carrier Conference v. United States, 793 F.2d 376, 379 (D.C. Cir. 1986) ("Regular Common Carrier Conference"); Sea-Land Service, Inc. v. ICC, 738 F.2d 1311, 1316-18 (D.C. Cir. 1984) ("Sea-Land"); ABC v. FCC, 643 F.2d 818, 822-24 (D.C. Cir. 1980).

⁴ Maislin, 497 U.S. at 132.

contrary view is foreclosed by the decisions of the Court of Appeals in AT&T v. FCC, MCI v. FCC and Regular Common Carrier Conference, and of the Supreme Court in Maislin.

I. THE COMMISSION'S PROPOSAL TO PERMIT CARRIERS TO FILE ONLY RANGES OF RATES OR MAXIMUM RATES EFFECTIVELY DISPENSES WITH THE FILED RATE REQUIREMENTS OF THE COMMUNICATIONS ACT, AND, ACCORDINGLY, EXCEEDS THE COMMISSION'S AUTHORITY.

Those commenters that support the Commission's proposal argue that it is permissible under Section 203(b)(2) of the Act, that other provisions of the Act authorize ranges of rates, that the courts have approved range tariffs, and that, in all events, the proposal is warranted by the Commission's finding that nondominant carriers lack market power, and other policy findings. Many of these arguments were the same ones asserted in support of forbearance, and that have been repeatedly rejected by the courts. They are no more compelling here.

In particular, the courts have held that the Commission's authority under Section 203(b)(2) is "limited."⁵ That section permits changes to "incidental or

⁵ AT&T v. FCC, 978 F.2d at 736. The Court noted that the Second Circuit's interpretation of the FCC's authority under Section 203(b) is "similarly restricted." Id. at 736 n.12, citing AT&T v. FCC, 487 F.2d 865 (2d Cir. 1973). The Second Circuit's statement that Section 203(b) permits the Commission to "modify requirements as to the form of and information contained in" tariffs (id. at 879) provides no support for the Commission's proposal, as some commenters (e.g., MCI, p. 13) suggest. In addition to requiring the filing of rates, Section 203(a) authorizes the Commission to require the filing of "other information." 47 U.S.C.

1. ~~Under the "Executive Order" but does not authorize the Commission~~

Section 205 of the Act likewise provides no support for the Commission's proposal, as some commenters suggest.⁹ Although Section 205 authorizes the Commission to prescribe maximum and minimum rates, nothing in that section or cases thereunder suggest that the Commission may thereby relieve carriers from their obligation under Section 203 to file and publish specific rates above the prescribed minimum or below the prescribed maximum. Reading Section 205 to permit what Section 203 explicitly forbids is not merely unreasonable, but irrational.

CompTel's observation (p. 11 n.28) that "a range of rates can be found to be 'just and reasonable'" under Section 201(b) misses the point. Ranges of rates are not per se unlawful, but are permissible provided that carriers make a given rate within the range available to similarly situated customers, as required by Section 202(a).¹⁰ This requirement is meaningless unless carriers file specific

(footnote continued from previous page)

properly be used . . . to contravene another provision of the Act").

⁹ See, e.g., PacTel Paging, p. 11.

¹⁰ See MCI v. FCC, 842 F.2d 1296, 1305-06 (D.C. Cir. 1988) ("[e]ven if one assumes that neither special access nor SNFA charges are unreasonable when viewed independently of one another, it does not follow that SNFA charges are not unreasonably or unjustly low relative to [the] special access tariffs").

rates,¹¹ or the formula enabling customers to calculate the rates within the range that would apply to different types or volumes of traffic.¹² That is why Section 203 requires the filing of schedules containing "all charges," and "all classifications, practices and regulations affecting such charges."¹³

In this regard, Associated Gas Distributors v. FERC, cited by several commenters in support of the Commission's proposal (CompTel, p. 10; CTIA, p. 4; Telocator, p. 8 n.18), actually underscores the proposal's legal deficiencies.¹⁴ All the Court held was that a rule adopted by the Federal Energy Regulatory Commission ("FERC") permitting pipelines to establish and initially file minimum and maximum rates was not per se discriminatory. FERC recognized, however, that the provision of service at unfiled rates below the maximum rate would violate the

¹¹ See AT&T Communications, Inc., Tariff F.C.C. No. 15, Holiday Rate Plan, 5 FCC Rcd. 1821 (1990) (finding that MCI offer to Holiday Corporation containing unfiled discounts did not become available to other customers until MCI "made public" the "terms of its offer"). See also AT&T Comments, pp. 11-13.

¹² See, e.g., Regular Common Carrier Conference, 793 F.2d at 380 (tariff that does not disclose the "per unit rate" is unlawful unless it contains provisions disclosing "how the per-unit rate is determined, enabling [customers and competing carriers] to protest the application of a different formula to a particular shipper").

¹³ 47 U.S.C. § 203(a). See AT&T Comments, p. 6 n.7.

¹⁴ Associated Gas Distributors v. FERC, 824 F.2d 981 (D.C. Cir. 1987) ("Associated Gas"), cert. denied, 485 U.S. 1006 (1988).

Natural Gas Act's counterpart to Section 203. For this reason, FERC specified in the rule under review that pipelines were required to file any discounts (off the maximum rate) actually provided to customers.¹⁵ Both FERC and the Court concluded that this requirement would ensure the availability of such discounts to similarly situated customers, and thereby comply with the nondiscrimination provisions and filing requirements of the Natural Gas Act.¹⁶ As the Court explained, this "reporting system will enable [FERC] to monitor behavior and to act promptly when it or another party detects behavior arguably falling under the bans of sections 4 and 5 [prohibiting unreasonable discrimination]."¹⁷

The Commission's proposal is also invalid under Maislin, Regular Common Carrier Conference and other decisions construing the parallel provisions of the

¹⁵ See 18 C.F.R. § 284.7(d)(5)(iv).

¹⁶ Order No. 436, 50 Fed. Reg. 42,408, 42,452 (October 18, 1985), citing Sea-Land.

¹⁷ Associated Gas, 824 F.2d at 1009. Decisions both prior and subsequent to Associated Gas under the Natural Gas Act and Federal Power Act have stressed that these statutes, like the Communications Act, require the filing of specific rates. See, e.g., Transwestern Pipeline Co. v. FERC, 897 F.2d 570, 578-79 (D.C. Cir.) (filed "'rate' within meaning of Section 4 or Section 5 of the Natural Gas Act" requires "specific, absolute numbers" or a "tariff containing a rate 'formula' or rate 'rule'"), cert. denied, 498 U.S. 952 (1990); Electrical Dist. No. 1 v. FERC, 774 F.2d 490, 492-93 (D.C. Cir. 1985) (Scalia, J.) (Federal Power Act "requires the rate itself to be specified").

Interstate Commerce Act ("ICA"), as demonstrated in AT&T's initial comments (pp. 7-9). No commenter refutes this showing, but some contend that decisions under the ICA are not relevant to the construction of the Communications Act.¹⁸ These claims are meritless.

The statutory filing provisions of the ICA are virtually identical to and provided the model for the provisions of Section 203,¹⁹ and courts construing the Communications Act thus treat decisions construing the parallel provisions of the ICA as "control[ling]."²⁰ The ICC's authority relative to statutory filing requirements, moreover, is identical to the authority granted this Commission. Each may change or modify these requirements in certain respects, but neither agency may exempt a carrier from the basic requirements of filing specific charges and adhering to them.²¹ For these reasons, it could not be

¹⁸ See, e.g., MCI, pp. 15-16; Sprint, p. 6.

¹⁹ Compare 47 U.S.C. § 203(a) and 203(c) with 49 U.S.C. §§ 10762(a)(1) and 10761(a). All of these provisions derive from Section 6 of the original ICA. See 24 Stat. 379, 380-381 (1887); Las Cruces TV Cable v. FCC, 645 F.2d 1041, 1051-52 (D.C. Cir. 1981) ("The Congressional policy against rate discrimination through secret, nontariff arrangements is embodied in [Section 203], which in turn is modeled on Section 6 of the Interstate Commerce Act"), citing S. Rep. No. 781, 73d Cong., 2d Sess. at 4 (1934).

²⁰ ABC v. FCC, 643 F.2d 818, 820-21 (D.C. Cir. 1980); see also AT&T v. FCC, 978 F.2d at 736 n.12; MCI v. FCC, 917 F.2d 30, 38 (D.C. Cir. 1990); AT&T v. FCC, 487 F.2d at 873-74.

²¹ Compare 47 U.S.C. § 203(b)(2) with 49 U.S.C. § 10762(d)(1). Both of these provisions derive from

clearer that Maislin and Regular Common Carrier Conference are fully applicable to the Communications Act.

Finally, a number of commenters repeat the argument that the Commission's proposal is legally justified by its "policy findings," including its finding that the information required by Section 203 is not necessary to enforce the nondiscrimination provisions of the Act. This same argument was rejected in both MCI v FCC and Maislin. Each case unequivocally holds that only Congress may relieve common carriers from the filing requirements currently embodied in Section 203, regardless of any Commission policy findings.²² Maislin is likewise dispositive of the

(footnote continued from previous page)

Section 6(2) of the original TCF. See AT&T v FCC, 407

commenters' claims that rate filing information is not necessary to prevent discrimination. It holds that the negotiation and collection of rates that are lower than the filed rate constitute "the very price discrimination that the Act by its terms seeks to prevent."²³

(footnote continued from previous page)

here reconsider its refusal in Docket 90-132 to authorize nondominant carriers to provide service on a private carriage basis. Ad-Hoc's explanation of the Commission's decision as attributable to "implementation difficulties" and concerns about cross-subsidization that apply only to AT&T (p. 17) is speculative and wrong. The Commission found that "[t]he record {does} not support the adoption of[the] private carriage proposal" as to any carrier. Competition in the Interstate Interexchange Marketplace, 6 FCC Rcd. 5880, 5897 n.150 (1991) ("IXC Rulemaking Order"). Moreover, the Commission made no findings anywhere in the IXC Rulemaking Order that AT&T could cross-subsidize private or common carriage discounts with revenues derived from other offerings, and no such finding is possible given the intense competition that characterizes the interexchange market. In all events, private carriage is outside the scope of this proceeding, which concerns the tariff filing requirements applicable to common carriers.

²³ Maislin, 497 U.S. at 130. Several commenters (e.g., Sprint, pp. 6-7) assert that under forbearance, no formal complaints alleging discrimination were filed by customers against nondominant carriers, and claim that this "fact" constitutes "empirical evidence" that no such discrimination occurred. These claims are nonsense. The absence of formal complaints by customers does not constitute "empirical evidence," but simply validates the court's observation that absent the public filing of

II. THERE IS NO BASIS TO LIMIT TO AT&T'S COMPETITORS THE COMMISSION'S PROPOSALS REGARDING THE FORM OF TARIFFS AND NOTICE PERIODS.

In its comments (pp. 14-19), AT&T demonstrated that the Commission has substantial discretion regarding form of tariffs and notice periods, but that there is no basis to limit the proposals in the Notice addressed to these matters to AT&T's competitors. Significantly, the only customer group to address the applicability of these proposals to AT&T, ITAA (p. 6), agrees that the Commission should "relax[]" the "burdens it imposes on AT&T."

In contrast, MCI states that the one-day notice period proposed by the Commission is "permissible under the statute so long as it does not apply" to AT&T.²⁴ Other AT&T competitors claim that continued asymmetry is warranted by

(footnote continued from previous page)

Communications Corp. v. MCI, No. E-91-103, filed June 3, 1991 (allegations by reseller that MCI had violated section 202). Further, Sprint has virtually admitted that it and other nondominant AT&T competitors do not make their off-tariff deals available to resale customers. See US Sprint Petition to Reject, AT&T Communications Transmittal No. 2773, filed December 30, 1990, p. 5 ("resellers . . . are unlikely to have a substantially similar offer from another IXC").

²⁴ MCI, pp. 2-3 n.3. MCI admits that it opposed reducing the notice period in Docket 90-132, but claims that its opposition was based on AT&T's dominant classification. Id. This is false. In that Docket, MCI took the position that even for "non-dominant" carriers, reducing the notice period to less than fourteen days would be "inconsistent with the statute" and the Commission's "statutory mandate." MCI Comments, CC Docket No. 90-132, pp. 126-27.

AT&T's "market power" or "dominance." Neither claim has any substance.

By its terms, the Communications Act, including the filing requirements of Section 203, applies to "every" common carrier, and recognizes no distinction between "dominant" and "nondominant" carriers. The Commission's authority to reduce the statutory notice period and adopt (or eliminate) rules governing the form of tariffs likewise applies to all common carriers. The Commission's discretion as to these matters is constrained only by Section 203(b)(2), which requires that there be "good cause" for its actions, and by the Administrative Procedure Act, which prohibits agency action that is arbitrary and capricious.

These provisions clearly permit, indeed require, the application of the Commission's proposals to AT&T. The Notice (e.g., paras. 14-15, 25) tentatively concludes that in view of competition, the Commission's current rules regarding notice periods and the form of tariffs are not necessary to protect customers, and impose substantial costs on customers as well as carriers. The Commission, however, has made virtually identical findings with respect to AT&T's inbound and outbound business services. In particular, the Commission has found that competition for AT&T's business services is "thriving," that "advance scrutiny of most AT&T business service tariffs no longer appears necessary to protect the public interest," and that subjecting AT&T's

services to unnecessary regulatory requirements imposes substantial "direct and indirect costs" on consumers.²⁵ This is no less true with respect to AT&T's residential services, as AT&T has shown.²⁶ Accordingly, limiting the relief proposed in the Notice to AT&T's competitors would benefit only those competitors at the expense of consumers, and would be arbitrary and capricious.

CONCLUSION

For all of the reasons set forth above, and in AT&T's Comments, the Commission can and should allow all interexchange carriers to determine the form of their tariffs and file tariff revisions on one day's notice. The Commission's proposal to permit carriers to file only maximum rates or ranges of rates, with actual rates to be

²⁵ IXC Rulemaking Order, 6 FCC Rcd. at 5892, 5894, 5895 (1991). Contrary to the claims of some commenters (e.g., ALTS, pp. 2-3; CompTel, p. 8 n. 19, RCI, p. 2 n. 6), the court's statements in AT&T v. FCC regarding dominant carrier regulation (978 F.2d at 736) cannot reasonably be construed as approving the application of different rules to AT&T. The regulation of AT&T was not before the court, and the record therefore did not include the Commission's findings in the IXC Rulemaking Order cited in AT&T's comments in this proceeding, or any of the evidence presented by AT&T in Dockets 90-132 or 92-134 (Price Cap Performance Review for AT&T). In fact, the court cited an order in the Competitive Carrier Proceeding issued more than thirteen years ago to support its reference to AT&T as "dominant." 978 F.2d at 729, citing Competitive Carrier Proceeding, First Report and Order, 85 F.C.C.2d 1, 22-24, 27-30 (1980).

²⁶ Comments of AT&T, Price Cap Performance Review for AT&T, CC Docket No. 92-134, filed Sept. 4, 1992.

- 14 -

determined pursuant to secret agreements, is patently unlawful and should not be adopted.

Respectfully Submitted,

AMERICAN TELEPHONE AND TELEGRAPH COMPANY

By Francine J. Berry/REH
Francine J. Berry
R. Steven Davis
Roy E. Hoffinger

Its Attorneys

295 North Maple Avenue
Room 3244J1
Basking Ridge, New Jersey
(908) 221-3327

April 19, 1993

COMMENTS FILED IN CC DOCKET 93-36

Ad Hoc Telecommunications users Committee ("Ad Hoc")
Aeronautical Radio, Inc. ("ARINC")
American Public Communications Council ("APCC")
American Telephone and Telegraph Company ("AT&T")
Ameritech Operating Companies ("Ameritech")
Association for Local Telecommunications Services
("ALTS")
Avis Rent A Car System, Inc. ("Avis")
Bell Atlantic telephone companies ("Bell Atlantic")
BellSouth Telecommunications, Inc. ("BellSouth")
Capital Cities/ABC, Inc. and National Broadcasting
Company, Inc. ("Networks")
Cellular Telecommunications Industry Association
("CTIA")
Century Cellunet, Inc. ("Century")
Competitive Telecommunications Association ("CompTel")
Electric Lightwave, Inc. ("ELI")
General Communication, Inc. ("GCI")
GE American Communications, Inc. ("GE Americom")
Information Technology Association of America ("ITAA")
International Communications Association ("ICA")
Kenneth Robinson
LinkUSA Corporation ("LinkUSA")
Local Area Telecommunications, Inc. ("LOCATE")

McCaw Cellular Communications, Inc. ("McCaw")

MCI Telecommunications Corporation ("MCI")

MFS Communications Company, Inc. ("MFS")

Mobile Marine Radio, Inc. ("MMR")

National Telephone Cooperative Association ("NTCA")

New York Telephone Company and New England Telephone
and Telegraph Company ("NYNEX")

Pacific Bell and Nevada Bell ("Pacific")

PacTel Paging, Arch Communications Group, Inc., AACS
Communications, Inc., Centrapage, Inc., Crowley
Cellular Communications, Inc., Kelley's
Tele-Communications Services, Inc., Radio Electronic
Products Corporation ("PacTel Paging")

Penn Access Corporation ("Penn Access")

Pilgrim Telephone, Inc. ("Pilgrim")

RCI Long Distance, Inc. ("RCI") and Rochester Telephone
Mobile Communications ("RTMC")

RGT Utilities, Inc. ("RGT")

Sprint Communications Company L.p. ("Sprint")

Southwestern Bell Corporation ("SBC")

Tele-communications Association ("TCA")

Telecommunications Resellers Association ("TRA")

Telecom Services Group, Inc. ("Telecom")

Telocator

Teleport Communications Group, Inc. ("TCG")

United States Telephone Association ("USTA")

CERTIFICATE OF SERVICE

I, Judy Middleton, do hereby certify that on this 19th day of April, 1993, a copy of the foregoing Reply Comments of American Telephone and Telegraph Company was mailed by U.S. first class mail, postage prepaid, to the parties listed below.

James S. Blaszak
Patrick J. Whittle
Gardner, Carton & Douglas
1301 K Street, N.W.
Suite 900, East Tower
Washington, D.C. 20006
Attorneys for Ad Hoc
Telecommunications Users
Committee

John L. Bartlett
Robert J. Butler
Rosemary C. Harold
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006
Attorneys for Aeronautical
Radio, Inc.

Albert H. Kramer
Robert F. Aldrich
Keck, Mahin & Cate
1201 New York Avenue, N.W.
Penthouse Suite
Washington, D.C. 20005-3919
Attorneys for American
Public Communications
Council

Floyd S. Keene
Mark R. Ortlieb
2000 W. Ameritech Center Drive
Room 4H84
Hoffman Estates, IL 60196-1025
Attorneys for Ameritech

Heather Burnett Gold
Association for Local
Telecommunications Services
1150 Connecticut Avenue, N.W.
Suite 1050
Washington, D.C. 20036

Donald J. Elardo
John M. Scorce
MCI Telecommunications
Corporation
1133 19th Street, N.W.
Washington, D.C. 20036

David C. Jatlow
Young & Jatlow
2300 N Street, N.W.
Suite 600
Washington, DC 20037
Counsel for RGT Utilities,
Inc.

Josephine S. Trubek
Michael J. Shortley, III
RCI Long Distance, Inc. &
Rochester Telephone
Mobile Communications
180 South Clinton Avenue
Rochester, NY 14646

Walter Steimel, Jr.
Fish & Richardson
601 13th Street, N.W.
5th Floor North
Washington, D.C. 20005
Attorneys for Pilgrim
Telephone, Inc.

Randall B. Lowe, Esq.
Mary E. Brennan, Esq.
Jones, Day, Reavis & Pogue
1450 G Street, N.W.
Washington, D.C. 20005-2088
Attorneys for Penn Access
Corporation

Carl W. Northrop
Bryan Cave
Suite 700
700 13th Street, N.W.
Washington, D.C. 20005
Attorneys for
PacTel Paging
Arch Communications Group,
Inc.
AACS Communications, Inc.
Centrapage, Inc.
Crowley Cellular
Telecommunications, Inc.
Kelley's Tele-Communications
Nunn's Communications
Services, Inc.
Radio Electronic Products
Corporation

James P. Tuthill
John W. Bogy
Pacific Bell and Nevada Bell
140 New Montgomery Street
Room 1530-A
San Francisco, CA 94105

James L. Wurtz
Pacific Bell and Nevada Bell
1275 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Patrick A. Lee
Edward E. Niehoff
New York Telephone Company
and New England Telephone
and Telegraph Company
120 Bloomingdale Road
White Plains, NY 10605

David Cosson
L. Marie Guillory
National Telephone
Cooperative Association
2626 Pennsylvania Avenue, N.W.
Washington, D.C. 20037

Martin W. Bercovici
Keller and Heckman
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001
Attorneys for Mobile
Marine Radio, Inc.

Cindy Z. Schonhaut
Andrew D. Lipman
Jonathan E. Canis
MFS Communications Company,
Inc.
3000 K Street, N.W.
Suite 300
Washington, D.C. 20007

Scott K. Morris
McCaw Cellular
Communications, Inc.
5400 Carillon Point
Kirkland, WA 98033

Cathleen A. Massey
McCaw Cellular
Communications, Inc.
1250 Connecticut Avenue, N.W.
Suite 401
Washington, D.C. 20036

Stuart Dolgin
Local Area
Telecommunications, Inc.
17 Battery Place
Suite 1200
New York, NY 10004

Catherine Wang
Swidler & Berlin, Chartered
3000 K Street, N.W.
Washington, D.C. 20007
Counsel for Local Area
Telecommunications, Inc.

Joseph P. Markoski
Andrew W. Cohen
Squire, Sanders & Dempsey
1201 Pennsylvania Avenue, N.W.
P.O. Box 407
Washington, D.C. 20044
Attorneys for Information
Technology Association of
America

Brian R. Moir
Fisher, Wayland, Cooper &
Leader
1255 23rd Street, N.W.
Suite 800
Washington, D.C. 20037-1170
Attorney for International
Communications Association

Steven J. Hogan
LinkUSA Corporation
230 Second Street, S.E.
Suite 400
Cedar Rapids, IA 52401

Leon M. Kestenbaum
Michael B. Fingerhut
Marybeth M. Banks
SPRINT Communications
Company L.P.
1850 M Street, N.W.
11th Floor
Washington, D.C. 20036

James D. Ellis
William J. Free
Paula J. Fulks
Southwestern Bell
Corporation
175 E. Houston, Room 1218
San Antonio, TX 78205

R. Michael Senkowski
Jeffrey S. Linder
Michael K. Baker
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006
Attorneys for Tele-
Communications Association

Spencer L. Perry, Jr.
Telecommunications Reseller
Association
P.O. Box 5020
Hoboken, New Jersey 07030

Robert W. Healy
Smithwick & Belendiuk, P.C.
1990 M Street, N.W.,
Suite 510
Washington, D.C. 20036
Attorney for Telecom
Services Group, Inc.

Thomas A. Stroup
Mark Golden
TELEOCATOR
1019 19th Street, N.W.
Suite 1100
Washington, D.C. 20036

J. Manning Lee
Teleport Communications
Group
1 Teleport Drive, Suite 301
Staten Island, N.Y. 10011

Martin T. McCue
Linda Kent
United States Telephone
Association
900 19th Street, N.W.
Suite 800
Washington, D.C. 20006-2105
Attorneys for Tele-
Communications Association

Spencer L. Perry, Jr.
Telecommunications Reseller
Association
P.O. Box 5020
Hoboken, New Jersey 07030

Robert W. Healy
Smithwick & Belendiuk, P.C.
1990 M Street, N.W.,
Suite 510
Washington, D.C. 20036
Attorney for Telecom
Services Group, Inc.

Thomas A. Stroup
Mark Golden
TELEOCATOR
1019 19th Street, N.W.
Suite 1100
Washington, D.C. 20036

J. Manning Lee
Teleport Communications
Group
1 Teleport Drive, Suite 301
Staten Island, N.Y. 10011

Martin T. McCue
Linda Kent
United States Telephone
Association
900 19th Street, N.W.
Suite 800
Washington, D.C. 20006-2105

Kenneth Robinson
Lafayette Center
P.O. Box 57-455
Washington, D.C. 20036

Albert Halprin
Melanie Haratunian
Halprin, Temple & Goodman
Suite 1020, East Tower
1301 K Street, N.W.
Washington, D.C. 20005

Michael D. Lowe
Lawrence W. Katz
Edward D. Young, III
Bell Atlantic Telephone
Companies
1710 H Street, N.W.
Washington, D.C. 20006

William B. Barfield
Richard M. Sbaratta
Rebecca M. Hough
BellSouth
Telecommunications, Inc.
Suite 1800
1155 Peachtree Street, NE
Atlanta, Georgia 30367-6000

Randolph J. May
Richard S. Whitt
Sutherland, Asbill &
Brennan
1275 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Attorneys for Capital
Cities/ABC, Inc. and
National Broadcasting
Company, Inc.

Sam Antar
Capital Cities/ ABC, Inc.
77 West 66th Street
New York, New York 10023

Howard Monderer
National Broadcasting
Company, Inc.
Suite 930, North Office Bldg.
1331 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Michael F. Altschul
Michele C. Farquhar
Cellular Telecommunications
Industry Association
Two Lafayette Center
Suite 300
1133 21st Street, N.W.
Washington, D.C. 20036

W. Bruce Hanks
Century Cellunet, Inc.
100 Century Park Avenue
Monroe, LA 71203

Genevieve Morelli
Competitive Telecommunications
Association
1140 Connecticut Avenue, N.W.
Suite 220
Washington, D.C. 20036

Danny E. Adams
Michael K. Baker
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006
Attorneys for Competitive
Telecommunications
Association

Ellen S. Deutsch
Electric Lightwave, Inc.
8100 N.E. Parkway Drive
Suite 200
Vancouver, WA 98662

Kathy L. Shobert
General Communication, Inc.
888 16th Street, N.W.
Suite 600
Washington, D.C. 20006

Philip V. Otero
Alexander P. Humphrey
GE American Communications, Inc.
1331 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Joseph P. Markoski
Andrew W. Cohen
Squire, Sanders & Dempsey
1201 Pennsylvania Avenue, N.W.
P.O. Box 407
Washington, D.C. 20044
Attorneys for Information
Technology Association of
America


Judy Middleton

Dated: April 19, 1993